

LAW OFFICES
OF
BILL CLAY P.A. II

January 5, 2017

The Honorable Jesse M. Furman
Southern District of New York
U.S. Courthouse
40 Foley Square, Courtroom 1105
New York, NY 10007

RE: United States v. Roberto Jimenez
Case No. 14-cr-229
Sentencing Submission

Dear Judge Furman:

This letter is respectfully submitted in connection with the sentencing of Roberto Jimenez, which is currently scheduled to place before Your Honor on Thursday, January 12, 2017 at 3:30pm.

Ordinarily the sentencing guideline range that would be applicable to Defendant Jimenez is 108 to 135 months confinement. Because of the operation of the mandatory minimum sentencing requirement, Defendant Jimenez, sentencing guideline range is 120-135 months.

Defendant Jimenez, as reflected in his Acceptance of Responsibility Statement is deeply remorseful for having been involved in the crime charged in the instant case.

Mr. Jimenez has a close knit, loving and supportive family environment. He enjoys an extremely excellent marriage to his wife Nicole Fortich. Mr. Jimenez has been an outstanding father to his children. Defendant Jimenez' son, Roberto Jimenez Jr., is a young man who is suffering with ADHD and has been afforded an Individual Education Plan (IEP) at his school. The defendant's absence is having a very strong and negative impact upon this particular child. The Defendant's father is 74 years of age and suffers from the numerous illnesses that are detailed in the PSR: diabetes, complicated peripheral vascular disease, hypertension, benign prostatic, hyperplasia, gout arthroplasty, recurrent benign positional vertigo and chronic anemia. The Defendant's mother is 71 years old and is a homemaker. Defendant Jimenez is deeply pained about the hardship and emotional distress that he has brought on his family because of his criminal wrongdoing. Given the age of Mr. Jimenez' parents, and the lengthy sentence that Defendant Jimenez will receive, Mr. Jimenez is struggling with the prospect that his

parents may pass before he is released from prison in this matter. The pain of having brought this hardship on his family, is an additional aspect of punishment that is torturing Mr. Jimenez.

Mr. Jimenez is 44 years old and is a U.S. Citizen. He suffers from hypertension and high cholesterol and sleep apnea. Medical records indicate that he has possibly suffered a heart attack at some previous undetermined point in time.

As well documented in the PSR, Mr. Jimenez has been and continued to be a heavy abuser of alcoholic beverages up to the time of his arrest in the instant case. Mr. Jimenez acknowledges that he is in need of alcohol rehabilitation therapy and will continually need such therapy and support system once he is released on Supervised Release.

Mr. Jimenez has utilized his time of incarceration in this case to do serious “soul searching” and introspection. He has involved himself in Christian religious services at MCC and MDC. Mr. Jimenez is totally focused and committed to living a law abiding life and working hard and using his talent to work hard the occupation of automobile sales. It should also be noted that Mr. Jimenez has not had any disciplinary problems whatsoever while incarcerated in this matter.

Attached to the instant Sentencing Submission as Exhibits are the following letters that provide this Court with highly relevant information to be considered in the sentencing process.

1. Monica Bernales (Defendant's ex-wife and mother of 2 of his children)
2. Nicole Fortich (Defendant's wife)
3. Odalys Gonzalez (Defendant's sister)
4. Dani O. Gonzalez, MD (Defendant's niece).
5. Carolina Barraza (Defendant's wife's niece)
6. Jessica Jimenez-Khawand, RN (Defendant's niece)
7. Daniel Gonzalez Jr. (Defendant's nephew)

The parties have agreed and the USPO has concluded that Defendant Jimenez occupied a “minor role” in the crime in question. **The USPO's Sentencing Recommendation is for this Court to impose a 120 month term of confinement in the Bureau of Prisons to be followed by 5 years Supervised Release.** The USPO's recommendation also sets forth special conditions for Supervised Release. Of particular note and importance is that the Defendant participate in an outpatient treatment program to address his alcohol abuse/alcoholism.

As noted in the USPO's Sentencing Recommendation, such a sentence is sufficient, but not greater than necessary, to comply with the purposes set forth in 18 USC §3553(a)(2).

Undersigned counsel joins in the USPO's sentencing recommendation for the reasons set forth in set recommendation. Undersigned counsel also notes for the Court's consideration that said recommendation is consistent with the Plea Agreement in this matter.

Respectfully submitted,



William A. Clay
Counsel for Defendant Roberto Jimenez